



State of New Jersey
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JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

May 12, 2020

TO: Acute Care Hospitals Licensed Pursuant to N.J.A.C. 8:43G

FROM: Judith M. Persichilli, RN, BSN, MA
Commissioner

SUBJECT: Support Person(s) Permitted for a Patient with a Disability

THIS MEMORANDUM REGARDING SUPPORT PERSON(S) PERMITTED FOR A PATIENT WITH A DISABILITY REPLACES THE MEMORANDUM ISSUED ON APRIL 25, 2020. ACCORDINGLY, THIS MEMORANDUM SUPERSEDES THE APRIL 25, 2020 GUIDANCE MEMORANDUM.

On March 9, 2020 Governor Philip D. Murphy issued Executive Order 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq, and a State of Emergency, pursuant to the Disaster Control Act, in the State of New Jersey for Coronavirus 2019 Disease ("COVID-19"). In recognition of the fact that the virus that causes COVID-19 is easily transmitted, especially in group settings, hospitals implemented restrictions on visitors to the facility. Such limitations must take into consideration patient care and well-being.

The Department of Health (Department) considers a designated support person essential to patient care for patients with disabilities where the disability may be due to altered mental status, intellectual or cognitive disability, cognitive impairment including dementia, communication barriers or behavioral concerns. These patients include those with a developmental disability as defined at N.J.A.C. 10:44A and those with a psychiatric diagnosis receiving services pursuant to N.J.A.C. 10:37E. Therefore, hospitals are required to allow a designated support person to be with the disabled patient, in both the emergency room and during hospitalization, regardless of the reason for the hospitalization, for patients for whom a support person has been determined to be medically necessary. For these patients, especially with prolonged hospitalizations, the patient or family/caregiver may designate two support people; but only one support person may be present at a time.

Designated support persons can be family members, personal care assistants or other disability service providers knowledgeable about the patient's care and must be allowed to remain with the patient while in the hospital, subject to the restrictions set forth below. In these settings, the designated support person will be the only support person allowed to be present during the patient's care. This restriction must be explained to the patient and support person in plain terms, upon arrival or, ideally, prior to arriving at the hospital. Hospital staff should ensure that patients fully understand this restriction, allowing them to decide who they wish to identify as their support person. Individuals age 70 years or older, are not encouraged to be support persons at this time due to increased risk of COVID-19 infection.

The disabled patient's support person must be asymptomatic for COVID-19 and must not be a suspect or recently confirmed case. Additionally, hospital staff must screen the support person for symptoms of COVID-19 (e.g., fever, cough, or shortness of breath), conduct a temperature check prior to entering the clinical area, and every twelve hours thereafter, and screen for potential exposures to individuals testing positive for COVID-19. Personal Protective Equipment (PPE) should be given to and worn by the designated support person. Once in the unit, the designated support person must have extremely limited access to other areas of the hospital and not be permitted to leave and re-enter the hospital without being rescreened. Hospitals should encourage support persons to remain in the Hospital, if possible, in the interest of preserving PPE.

Additionally, if the hospital determines that an additional support person is necessary for the care of the disabled patient, and PPE availability permits, hospitals may allow for a second support person be designated. Only one designated support person is to be permitted with the disabled patient at any time. The screening requirement above is to be followed for both designated support persons.

Hospitals may restrict the presence of a designated support person should, in the Hospital's judgement, a shortage of PPE require use of the resources by direct patient care givers.

If you have any questions concerning this matter, please contact Ms. Jean DeVitto, Executive Director, Certificate of Need and Healthcare Facility Licensure program, at CNL.InquiryWaiversIssued@doh.nj.gov.

A handwritten signature in blue ink, reading "Judith Gracichell", is written over a horizontal line.